



General Assembly

January Session, 2001

***Raised Bill No. 6850***

LCO No. 4184

Referred to Committee on Select Committee on Housing

Introduced by:  
(HSG)

***AN ACT CONCERNING THE POWER OF A MUNICIPALITY TO  
APPOINT A RECEIVER OF RENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-56a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 Whenever any order issued under the provisions of section 47a-53,  
4 or section 47a-55, or under the provisions of any municipal charter or  
5 special act or ordinance relating to the abatement of nuisances in  
6 tenement houses is not complied with, or not so far complied with as  
7 the appropriate authority finds reasonable, within the time allowed, or  
8 whenever a landlord has not substantially complied with the  
9 provisions of section 47a-7, the authority appointed under the  
10 provisions of section 47a-56, [shall] may apply to the superior court for  
11 the judicial district where the property is situated for an order  
12 requiring the owner and any mortgagees or lienors of record to show  
13 cause why a receiver of rents, issues and profits should not be  
14 appointed and why said receiver should not remove or remedy such  
15 condition and obtain a lien in favor of the municipality, having priority  
16 with respect to all existing mortgages or liens, to secure payment of the

17 costs incurred by the receiver in removing or remedying such  
18 condition. Such application shall contain (1) proof by affidavit that an  
19 order of the proper authority has been issued and served on the  
20 owner, mortgagees and lienors; (2) a statement that a nuisance exists  
21 because a landlord has been in substantial noncompliance with the  
22 provisions of section 47a-7 or a nuisance exists that constitutes a fire  
23 hazard or a serious threat to life, health or safety and that such  
24 nuisance continued to exist in such property after the time fixed for the  
25 removal thereof in such order, and such statement shall contain a  
26 description of the property and the conditions constituting such  
27 nuisance; (3) a brief description of the nature of the work required to  
28 remove or remedy the condition and an estimate as to the cost thereof.

29 Sec. 2. Section 47a-56d of the general statutes is repealed and the  
30 following is substituted in lieu thereof:

31 (a) The receiver's appointment shall not be effective until [he] the  
32 receiver furnishes a bond, with sufficient surety, in an amount to be  
33 determined by the court, and until [he] the receiver provides evidence  
34 [that he has obtained] of liability insurance coverage in an amount to  
35 be set by the court, but at least in an amount, for a single injury, equal  
36 to one hundred per cent of the appraised value of the property,  
37 disregarding encumbrances.

38 (b) The receiver shall with all reasonable speed remove the  
39 delinquent matters and deficiencies in the property constituting a  
40 serious fire hazard or a serious threat to life, health or safety. During  
41 the term of the receivership the receiver shall repair and maintain the  
42 property in a safe and healthful condition. The receiver shall have the  
43 power to let contracts [therefor] in accordance with the provisions of  
44 local laws, ordinances, rules and regulations applicable to contracts for  
45 public works. Notwithstanding any such laws, ordinances, rules or  
46 regulations, the receiver may let contracts or incur expenses for  
47 individual items of repairs, improvements or supplies without  
48 advertisement or the procurement of competitive bids where the total

49 amount of any such individual item does not exceed five hundred  
50 dollars or where there exists a condition which constitutes an  
51 imminent and substantial danger to life, health or safety, but in such  
52 event the receiver shall endeavor to obtain contracts on the most  
53 advantageous terms.

54 (c) The receiver shall collect the accrued and accruing rents, issues  
55 and profits of the property and apply the same to the cost of removing  
56 or remedying such nuisance, to the payment of expenses reasonably  
57 necessary to the proper operation and management of the property,  
58 including insurance and the fees of the managing agent, if any, and to  
59 unpaid taxes, assessments, water rents and sewer rents and penalties  
60 and interest thereon.

61 (d) If the income of the property is insufficient to cover the cost of  
62 remedying or removing such nuisance, the municipality [shall] may  
63 advance to the receiver any sums required to cover such cost and  
64 thereupon shall have a lien against the property having the priority  
65 provided in section 47a-56a.

66 (e) Any excess of income of the property in the hands of the receiver  
67 shall be applied to the necessary expenses in regard to such property  
68 of his office as receiver and then to sums due to mortgagees or lienors.

69 (f) The receiver shall have the power to bring a summary process  
70 action pursuant to the provisions of chapter 832 against any tenant or  
71 occupant of the property.

72 (g) A receiver appointed pursuant to this section shall not be liable in  
73 the capacity of receiver to any person, except for intentional or wilful  
74 misconduct.

***Statement of Purpose:***

To make the statutes allowing the appointment by a municipality of a receiver of rents more flexible and workable.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*